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*Attorneys for Plaintiff* EDGAR SOLIS

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

EDGAR SOLIS,

Plaintiff,

v.

STATE OF CALIFORNIA; and  
MICHAEL BELL,

Defendants.

Case No.: 5:23-cv-00515-HDV-JPR

[*Honorable Hernán D. Vera*]  
Magistrate Judge Jean P. Rosenbluth

**DECLARATION OF MARCEL F.  
SINCICH IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTIONS IN  
LIMINE No. 2**

**Hearing on Motions in Limine:**

October 1, 2024 at 09:00 a.m.

**Final Pretrial Conference:**

October 8, 2024 at 10:00 a.m.

**Jury Trial**

October 29, 2024 at 09:00 a.m.

Ctrm: 10D

**DECLARATION OF MARCEL F. SINCICH**

I, Marcel F. Sincich, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and the United States District Court for the Central District of California. I am one of the attorneys of record for Plaintiff Edgar Solis. I make this declaration in support of Plaintiff's Opposition to Defendants' Motion *in Limine* No. 2 to Exclude Plaintiff's Testimony At Trial About Topics On Which Plaintiff Invoked The 5th Amendment During His Deposition. I have personal knowledge of the facts contained herein and could testify competently thereto if called.

2. Attached hereto as "**Exhibit A**" is a true and correct copy of relevant portions of Plaintiff's January 4, 2024, Responses and Objections to Defendants' Interrogatories. Therein, Plaintiff provided responses under penalty of perjury as why he was not an immediate threat of death or serious bodily injury.

3. On September 3, 2024, Plaintiff's counsel provided Defendants with Plaintiff's Witness List, listing Edgar Solis, and providing a summary of testimony that includes: "Mr. Solis will testify as to his perception of the events leading up to the shooting incident, the shooting incident, and his damages. His [testimony] is unique as a personal account that he was not an immediate threat to any person." Attached hereto as "**Exhibit B**" is a true and correct copy of referenced correspondence and attached exhibit list.

4. On September 5, 2024, Plaintiff's counsel told Defendants' counsel, specifically during the parties' conference of counsel on motions *in limine*, that Plaintiff will most likely be waiving his Fifth Amendment rights as it relates to this matter for his trial testimony, and that Plaintiff would inform Defendants of his final decision as soon as Plaintiff and his attorneys were able to consult with one another (i.e., including Mr. Solis, Mr. Galipo, Mr. Packer, and Mr. Sincich).

5. After notifying Defendants' counsel of Plaintiff's likely decision and need to consult with his attorneys, Mr. Galipo, Plaintiff's lead trial counsel, had a

1 trial readiness conference on September 6, 2024, and started trial on September 9,  
2 2024, in the County of Tulare, California.

3 6. Attached hereto as “**Exhibit C**” is a true and correct copy of the  
4 relevant portions of the May 3, 2024, deposition of Plaintiff Edgar Solis.

5 7. Plaintiff’s expert, Roger Clark, has not obtained any additional  
6 information about the shooting after Plaintiff decided to waive his Fifth Amendment  
7 rights.

8  
9 I declare under penalty of perjury under the laws of the United States that the  
10 foregoing is true and correct. Executed this 26th day of September 2024.

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13 Marcel F. Sincich  
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